

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
November 8, 2011

In the Matter of MORRIS, Minors.

No. 304127
Otsego Circuit Court
Family Division
LC No. 07-000215-NA

In the Matter of MORRIS, Minors.

No. 304251
Otsego Circuit Court
Family Division
LC No. 07-000215-NA

Before: WHITBECK, P.J., and MURRAY and DONOFRIO, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(ii) and (g).¹ We affirm.

The trial court did not clearly err when it found clear and convincing evidence to establish statutory grounds for termination of respondents' parental rights. MCR 3.977(K); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). As detailed below, record evidence supported the trial court's well-reasoned opinion and order terminating respondents' parental rights.

The issues that led to adjudication included respondents' history of Children's Protective Services involvement, respondent-mother's lack of housing or employment, and anger issues. The children were living with respondent-mother when they came into the care of the trial court,

¹ In its written opinion, the trial court cited MCL 712A.19b(3)(c)(ii) but stated the statutory language found in MCL 712A.19b(3)(c)(i).

and the court assumed jurisdiction over the children based on her pleas to allegations in the initial petition.

With regard to respondent-father,² he admitted that he was unable to care for the children when they first came into care. His parent agency agreement required him to participate in counseling to help with parenting issues, participate in a parenting class, obtain and maintain employment and a home appropriate for the children, and consistently visit with the children. At the time of the termination hearing, approximately 17 months after the children were removed, the trial court found that respondent-father had not consistently engaged in counseling, was not consistent in visitation with the children, and did not have a home that was suitable for the children. The trial court did not clearly err in finding that respondent-father had not provided proper care and custody for the children and there was no reasonable likelihood he would be able to do so within a reasonable time considering the ages of the children, who were three to eight years old at the time of the termination hearing.

Respondent-mother pleaded to the allegations in the petition that included an extensive CPS history for housing instability and anger issues and her inability to care for the children at that time. During the course of the proceedings, she did participate in therapy and began treatment with medication that apparently provided some benefit. However, as the trial court found, respondent-mother's anger was a significant issue, and throughout the proceedings she had outbursts and used profanities toward the trial court and the caseworkers. Employment and appropriate housing continued to be issues throughout the proceedings, and although she secured several jobs, they lasted for only a short period. While she was living with a live-in partner in his home at the time of the termination hearing,³ this arrangement was unstable. Her partner had asked her to leave on several occasions when they were having relationship problems. Respondent-mother's visitation was suspended for a period while she was working out her anger issues and getting stabilized on medication. When she was entitled to visitation and did visit, all of the children experienced significant regression of their emotional issues that were beginning to resolve while they were in foster care. Respondent-mother was not consistent with her visitation, which was problematic for the children as well as indicative of respondent-mother's lack of investment in parenting.

As a result of these facts, the trial court did not clearly err when it found that respondent-mother's anger issues and lack of employment and housing continued to exist and that there was

² We note with some concern the almost too coincidental similarity (down to the same typographical errors) between the analysis section of the father's appellate brief and the analysis section in the mother's appellate brief. The mother's brief was filed with this Court and served one week before the father's brief, so presumably counsel for the father had the mother's brief before his brief was filed.

³ We might add that both respondent mother and father were married at the time of these proceedings, yet both had been living separately for years with individuals of the opposite sex. See MCL 750.29; MCL 750.30.

no reasonable likelihood that these issues would be rectified within a reasonable period of time considering the children's ages. The same evidence established a failure to provide proper care and custody and an inability to do so within a reasonable time.

Affirmed.

/s/ William C. Whitbeck
/s/ Christopher M. Murray
/s/ Pat M. Donofrio